

UNITED STATES DISTRICT COURT
for the District of New Hampshire
Civil Division

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s):

Frank Negus Staples

Kathleen Bussiere

-v-

Defendant(s):

Governor Chris Sununu, in his individual and official capacities

Address: Office of the Governor, 107 North Main Street, Concord, NH 03301

Attorney General John Formella, in his individual and official capacities

Address: NH Department of Justice, 33 Capitol Street, Concord, NH 03301

Charles O'Leary, in his individual capacity

Address: [Insert known address]

72 unnamed law enforcement officers, in their individual and official capacities

Address: NH Police Standards and Training Council, 17 Institute Drive, Concord, NH 03301

I. The Parties to This Complaint

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A. The Plaintiff(s)

1. Plaintiff No. 1

Name: Frank Staples (aka Footloose)

Address: 332 Merrimack Street

City: Manchester

State: New Hampshire

Zip Code: 03103 (Mailing Address)

County: Hillsborough

Telephone Number: (603) 722-5408

E-Mail Address: Absolutedefiance@protonmail.com

2. Plaintiff No. 2

Name: Kathleen Bussiere

Address: 178 S. Main Street, Apt 3

City: Newton

State: New Hampshire

Zip Code: 03858

County: Rockingham

Telephone Number: (603) 770-2015

E-Mail Address: kaffatina@yahoo.com

Date of Birth: September 21, 1951

Arrest Date: October 13, 2021

B. The Defendant(s)

1. Defendant No. 1

Name: Governor Chris Sununu

Job or Title: Governor of New Hampshire

Address: Office of the Governor, 107 North Main Street, Concord, NH 03301

Capacity: Individual & Official

2. Defendant No. 2

Name: Attorney General John Formella

Job or Title: Attorney General of New Hampshire

Address: NH Department of Justice, 33 Capitol Street, Concord, NH 03301

Capacity: Individual & Official

3. Defendant No. 3

Name: Charles O'Leary

Job or Title: Prosecutor

Address: [Insert known address]

Capacity: Individual

4. Defendant No. 4

Name: 72 unnamed law enforcement officers

Job or Title: NH Police Standards and Training Council Tactical Unit

Address: 17 Institute Drive, Concord, NH 03301

Capacity: Individual & Official

II. Basis for Jurisdiction

A. Are you bringing suit against:

State or local officials (a § 1983 claim)

State officials (a § 1985(3) claim)

B. What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

First Amendment (Freedom of Speech and Assembly)

Fourth Amendment (Unlawful Arrest and Excessive Force)

Fifth Amendment (Due Process)

Eighth Amendment (Excessive Force/Cruel and Unusual Punishment)

Fourteenth Amendment (Equal Protection, Due Process)

42 U.S.C. § 1985(3) (Conspiracy to Interfere with Civil Rights)

C. Explain how each defendant acted under color of state or local law.

Defendants Governor Sununu, Attorney General Formella, and law enforcement officers were acting under color of state law during all events. They used their authority to suppress peaceful protests, target individuals based on their political and religious beliefs, and arrest plaintiffs, violating their constitutional rights.

III. Statement of Claim

A. Where did the events giving rise to your claim(s) occur?

The events occurred at the Police Standards and Training Facility tactical unit in Concord, NH, on October 13, 2021, and the Legislative Office Building in Concord, NH, on November 19, 2021.

B. What date and approximate time did the events giving rise to your claim(s) occur?

October 13, 2021, during the Executive Council meeting

November 19, 2021, during the Fiscal Committee meeting

C. What are the facts underlying your claim(s)?

September 29, 2021 Meeting: Frank Staples attended the Executive Council meeting at St. Anselm College to oppose the \$27 million in federal COVID-19 funding. During the break, the fine print of the bill was discovered, and Frank, along with others, became vocal in opposing the conditions of the funding. This led to the meeting's cancellation, and Frank was identified in news coverage as the "man bun guy," signaling that he was being targeted.

October 13, 2021 Meeting: The Executive Council meeting was moved to the police academy tactical training unit, with a heavy police presence and restricted public access. During the meeting, Frank and others participated in a peaceful protest, turning their backs on Governor Sununu while the meeting continued. Video footage shows Sununu texting, nodding at law enforcement, and communicating with Attorney General Formella just before the arrests. Frank and Therese Grinnell were quietly tapped on the shoulder and arrested, with no clear explanation given at the time.

Public Statements by Governor Sununu: Following the arrests, Governor Sununu held a press conference labeling those arrested as "anti-vaxxers" and "extremists", creating a class-based

animus. By categorizing the plaintiffs as political opposition and religious dissenters (based on their stance on vaccination), Sununu targeted a political and religious class.

Introduction of Unrelated Evidence at Trial: At trial, Attorney O'Leary introduced video evidence from the September 29, 2021 meeting, even though no charges had been brought from that event. This attempt to link the two incidents demonstrates a broader conspiracy to target Frank for his involvement in both meetings, further proving the §1985 conspiracy claim.

November 19, 2021 Meeting: At the Fiscal Committee meeting, a heavy police presence focused on Frank throughout the meeting. After the funding was approved, state troopers formed a wall to force attendees out, and when Frank spoke up about the October 13 arrests, he was immediately arrested by Trooper DeLuca, who had been involved in the previous arrest. This shows a clear pattern of retaliation for Frank's prior actions.

IV. Injuries

Plaintiff Frank Staples suffered emotional distress and reputational harm due to the unlawful arrests and public defamation by Governor Sununu.

Plaintiff Kathleen Bussiere sustained physical injuries, including a severe concussion, during her October 13 arrest. Her medical records confirm the concussion and related injuries. She continues to experience daily headaches and anxiety as a result of the trauma.

Both plaintiffs experienced significant emotional distress from the arrests, public exposure, and ongoing targeting by state actors.

§1985(3) Conspiracy to Interfere with Civil Rights

Defendants, including Governor Sununu, Attorney General Formella, and Attorney O'Leary, coordinated efforts to suppress Frank Staples and others for their political activism, particularly in opposition to COVID-19 funding and vaccine mandates.

Governor Sununu's public statements labeling the plaintiffs as "anti-vaxxers" and "extremists" demonstrates a class-based animus aimed at suppressing those with political opposition and religious dissent.

The arrests for saying “Amen” during the October 13 meeting further demonstrate a religious-based targeting, as the arrest was based on religious expression.

Attorney O’Leary’s introduction of unrelated video evidence from the September 29 meeting at Frank’s trial further proves the coordinated effort to link these incidents and punish Frank for his involvement.

The delayed charges, shifting reasons for the arrest, and restrictive bail conditions (preventing Frank from attending public meetings) demonstrate a broader conspiracy to silence dissent and prevent further participation in public affairs.

New Hampshire Constitutional Claims

Article 8 (Accountability and Transparency): Defendants failed to uphold their duty of transparency by arresting peaceful protesters without providing clear reasons and by delaying the charges for six months.

Article 22 (Freedom of Speech): The arrests for peaceful protest, including turning their backs during the meeting, violated the right to free speech as guaranteed by the New Hampshire Constitution.

Article 32 (Right to Assemble): The excessive police presence and restriction of public access violated the right to assemble in an orderly manner, as guaranteed by the New Hampshire Constitution.

Article 14 (Due Process): The delayed charges and lack of immediate explanation for the arrests violated the right to due process, resulting in an abuse of power by the state actors.

Relief

Plaintiffs seek the following relief:

A declaratory judgment that the defendants violated their constitutional rights under the First, Fourth, Fifth, Eighth, and Fourteenth Amendments, as well as 42 U.S.C. §1985(3) (Conspiracy to Interfere with Civil Rights).

A declaratory judgment that the defendants violated plaintiffs' rights under Articles 8, 14, 22, and 32 of the New Hampshire Constitution.

A declaration that defendants' actions violated NH RSA 631:4 (Criminal Threatening and Terrorism) by instilling fear and intimidating lawful attendees, thereby suppressing lawful speech and assembly.

Compensatory damages for emotional distress, reputational harm, and physical injuries sustained by the plaintiffs.

Punitive damages against defendants for their malicious and retaliatory actions.

Attorneys' fees and costs under 42 U.S.C. §1988.

Certification and Closing

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: [Insert date]

Signature of Plaintiff: Frank Staples



Signature of Plaintiff: Kathleen Bussiere

